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Christopher Davis, David Drummond,
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DIONDRAE PARKER,

Plaintiff,

vs.

ED, et al.,

Defendants.

Case No. 3:23-cv-00137-MMD-CSD

**ORDER GRANTING
MOTION FOR ENLARGEMENT OF
TIME TO FILE MOTION FOR
SUMMARY JUDGMENT**

Defendants Michael Clifton, Christopher Davis, David Drummond, Eric Maurer, and Christopher Miller, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Janet E. Traut, Deputy Attorney General, hereby move for an enlargement of time in which to file their Motion for Summary Judgment.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

The Court may extend the time allowed for an act when good cause is shown to do so. Fed. R. Civ. P. 6(b)(1)(A).

On motion for enlargement of time, determination of whether “excusable neglect” has been established is at bottom an equitable one, taking account of all relevant circumstances surrounding party's omission including (1) danger of prejudice, (2) length of the delay and its potential impact on judicial proceedings, (3) reasons for delay which

includes whether it was within reasonable control of party seeking to show excusable neglect, and (4) whether that party acted in good faith. *Coleman v. Blue Cross Blue Shield of Kan.*, D. Kan. 2007, 487 F. Supp. 2d 1225 , *affirmed* 287 Fed. Appx. 631, 2008 WL 2662595.

“a finding of excusable neglect under Rule 6(b)[(1)(B)] requires both a demonstration of good faith by the parties seeking the enlargement and also it must appear that there was a reasonable basis for not complying within the specified period.” *In re Four Seasons Sec. Laws Litig.*, 493 F.2d 1288, 1290 (10th Cir.1974). *See Putnam v. Morris*, 833 F.2d 903, 905 (10th Cir.1987) (“[S]ome showing of good faith on the part of the party seeking the enlargement and some reasonable basis for noncompliance within the time specified is normally required.”) (quoting *Winters v. Teledyne Movable Offshore, Inc.*, 776 F.2d 1304, 1305 (5th Cir.1985)). “[I]t is well established that inadvertence, ignorance of the rules, and mistakes construing the rules do not constitute excusable neglect for purposes of Rule 6(b).” *Quigley v. Rosenthal*, 427 F.3d 1232, 1238 (10th Cir.2005).

Stark-Romero v. Nat’l R.R. Passenger Co. (AMTRAK), 275 F.R.D. 544, 547–48 (D.N.M. 2011).

Here, the undersigned counsel had technical difficulties on the evening of June 12, 2024 that prevented timely e-filing of the Motion for Summary Judgment and related exhibits.

Parker will not be prejudiced by a delay of several hours. Neither should the Court be impacted by this delay of less than one day. Counsel checked every hour to see whether access to the network or the virtual private network was restored/restarted and e-filed as soon as this motion could be prepared. Counsel certifies there was no intent to delay or to obstruct; counsel has acted in good faith.

II. CONCLUSION

Defendants respectfully requests this Court extend the deadline for the dispositive motion in this matter by one day. Defendants assert the requisite good cause

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1 is present to warrant an extension of time.

2 DATED this 16th day of June 2024.

3 AARON D. FORD
4 Attorney General

5 By:


6 JANET E. TRAUT, Bar No. 8695
Deputy Attorney General

7 *Attorneys for Defendants Christopher*
8 *Davis, David Drummond, Eric Maurer,*
9 *Christopher Miller, and Michael Clifton*

10 IT IS SO ORDERED.

11 DATED: June 14, 2024.

12 
13 UNITED STATES MAGISTRATE JUDGE